IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

TUESDAY, THE 12TH DECEMBER 2006 / 21ST AGRAHAYANA 1928

WP(C).No. 30662 of 2006(A)

PETITIONER:

M.SALIM, AGED 49 YEARS, S/O. DAMODARAN,
BUSINESS, SHOP NO.F 22, KOTHAMANGALAM REVENUE
TOWER, RESIDING AT MULAYAMTHADATHIL, AYAKKADU,
THRIKKARIYUR P.O., KOTHAMANGALAM.

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
ITS SECRETARY, HOME DEPARTMENT,
TRIVANDRUM.

2. CIRCLE INSPECTOR OF POLICE,
KOTHAMANGALAM POLICE STATION.

3. SUB INSPECTOR OF POLICE,
KOTHAMANGALAM POLICE STATION.

4. KERALA STATE HOUSING BOARD, REP. BY
EXECUTIVE ENGINEER, PROJECT DIVISION NO.2,
REVENUE TOWER, KSHB OFFICE COMPLEX,
PANAMPILLY NAGAR, KOCHI-682 036.

5. BENNY KUNNAN,
ART LINE STUDIO, SHOP NO.F-25,
REVENUE TOWER, KOTHAMANGALAM.

BY ADV. SRI.N.J.MATHEWS FOR R5
SRI.GEORGE VARGHESE KIZHAKKAMBALAM
SRI.POOVAPPALLY M., S.C., K.S.H.B. FOR R4

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE LEASE AGREEMENT DATED 18.5.2004 EXECUTED BETWEEN THE 4TH RESPONDENT AND THE PETITIONER.

EXT.P2: COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER WITH SKETCH SEEKING PERMISSION FOR CONSTRUCTION OF A SHUTTER.

EXT.P3: COPY OF THE LETTER DATED 1.9.2006 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.

EXT.P4: COPY OF THE NO OBJECTION LETTER SUBMITTED BY THE SAID SUNILKUMAR DATED 1.8.2005.

EXT.P5: COPY OF THE COMPLAINT DATED 13.11.2006 SUBMITTED BY THE PETITIONER TO THE 2ND AND 3RD RESPONDENTS.

J.B. KOSHY & K.PADMANABHAN NAIR, JJ.

W.P.(C) No. 30662 of 2006 A

Dated this the 12th day of December, 2006

Judgment

Koshy,J.

This is a petition for police protection to the petitioner and his men to install the shutter as per the permission given by the fourth respondent Board and also to the life of the petitioner and his employees. It is submitted that O.S.No.484 of 2006 is filed and Sub Court, Muvattupuzha has granted an injunction to maintain status quo. So, the matter is before the Sub Court. Therefore, the matter has to be adjudicated. Whether petitioner is entitled to install the shutter despite permission from the fourth respondent is a matter to be decided by the civil court and we are not expressing any opinion regarding the merits of the dispute in a petition under article 226 of the Constitution of India. The only direction we can give in this petition is to direct the police to see that law and order is maintained.

The writ petition is disposed of accordingly.

J.B.KOSHY
JUDGE

K.PADMANABHAN NAIR
JUDGE

vaa